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IN THE SUPREME COURT  
STATE OF ARIZONA

In the Matter of:

PETITION TO AMEND  
RULE 10 OF THE ARIZONA  
RULES OF PROCEDURE IN  
CIVIL TRAFFIC AND CIVIL  
BOATING VIOLATION CASES

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Supreme Court No. R-20-\_\_\_\_\_

Pursuant to Rule 28 of the Rules of the Arizona Supreme Court, David K. Byers, Administrative Director, Administrative Office of the Courts, respectfully petitions this Court to adopt the attached proposed amendment to Rule 10 of the Rules of Procedure in Civil Traffic and Civil Boating Violation Cases. The amendment is set forth in the accompanying Appendix A.

**I. Background and Purpose of the Proposed Rule Amendment.**

The Court's Fair Justice for All Task Force has recommended courts provide convenient payment options and reasonable time payment plans. The Administrative Office of the Courts (AOC) is developing an online payment

agreement portal that would allow defendants to create payment agreements online on eligible cases.

Currently, defendants can go online and plead responsible and pay in full on pre-adjudicated civil traffic cases. Arizona Rules of Procedures in Civil Traffic and Civil Boating Violation Cases Rule 10 states a defendant may admit responsibility by appearing in person, or by submitting a form or a statement signed by the defendant admitting the allegations of the complaint. The defendant then must immediately pay off the civil sanction listed in full. This requirement can be burdensome for some defendants. A.R.S. § 28-1601(A) states:

A person shall pay all civil penalties within thirty days from entry of judgment, except that if payment within thirty days will place an undue economic burden on a person, the court may extend the time for payment or may provide for installment payments.

Consistent with this statute, Petitioner requests that Arizona Rules of Procedures in Civil Traffic and Civil Boating Violation Cases Rule 10 be amended to allow defendants to plead responsible online and then be granted an online payment plan by affirming that payment in full would place an undue economic burden on them.

The proposed amendments set forth in Appendix A reflect the changes requested by this petition.

**II. Pre-Petition Comments.** Petitioner has not circulated this proposal for pre-petition comments as there are plans to make presentations and gather

comments during the first quarter of 2020 from the Committee on Limited Jurisdiction Courts and Limited Jurisdiction Court Administrators Association. However, several municipal court judges and administrators have reviewed the proposal informally and did not suggest any modifications.

Wherefore petitioner respectfully requests that the Supreme Court amend Rule 10 as set forth in Appendix A.

RESPECTFULLY SUBMITTED this 17th day of December, 2019.

By /s/  
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## **APPENDIX A**

### **Proposed Rule Change**

#### **Arizona Rules of Procedure in Civil Traffic and Civil Boating Violation Cases**

##### **Rule 10. Entry of Plea; Failure to Appear**

(a) The defendant may admit responsibility by appearing in person, or by submitting a form or a statement signed by the defendant admitting the allegations of the complaint. The defendant shall, at the same time, tender the civil sanction listed in the court's deposit schedule for the civil traffic violation(s). The court may extend the time for paying the civil sanction if the defendant:

(1) Admits responsibility prior to the defendant's court appearance date, and

(2) Declares that immediate payment of the full civil sanction would constitute an undue economic burden on the defendant.

(b)& (c) [no changes]